

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1863 - SB 1833

February 12, 2016

SUMMARY OF BILL: Establishes requirements for any individual or entity which solicits a fee for copying real property deeds. Requires certain disclosure information be included with the document used for solicitation and prohibits the document used from being in a certain form or using deadline dates or other language that makes the document appear to be a issued by a state or local government agency or that appears to impose a legal duty on the person being solicited.

Prohibits any person from soliciting a fee for providing a copy of a property deed that is more than four times the fee charged by the office of the register of deeds where the deed is recorded. Requires any person soliciting fees from any property owner for providing a copy of a deed to furnish the office of the register of deeds of each county which the solicitations are to be distributed with a copy of the document that will be used for such solicitations no less than fifteen days before distributing the solicitations.

Exempts from the requirements the following professions: a title insurance company authorized to do business in this state or the company's authorized agent; a licensed mortgage loan originator, mortgage broker, mortgage lender, mortgage servicer, a depository financial institution authorized under state and federal law to originate or service mortgage loans; a licensed real estate broker or affiliate broker.

Authorizes the Attorney General to bring an action against any person in violation of this act; and authorizes a civil penalty not to exceed \$2,500 per violation. Any violation shall constitute an unfair or deceptive act in violation of the Tennessee Consumer Protection Act of 1977.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Any increase in cases experienced by the Division of Consumer Affairs can be handled utilizing existing staff during normal work hours.
- Local register of deeds offices across the state can keep copies of solicitation documents on file, utilizing existing resources.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.

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IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumption:

- This legislation sets a ceiling on the amount an individual may sell a copy of a property deed. However, passage of this legislation is not anticipated to have any significant impact on commerce or jobs in Tennessee.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jdb